

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>ANTONIO BROWNER,</b>	:	
	:	
<b>Petitioner</b>	:	
	:	
<b>VS.</b>	:	
	:	
<b>Warden DOUG WILLIAMS,</b>	:	<b>NO. 5:15-CV-261 (MTT)</b>
	:	
<b>Respondent</b>	:	<b><u>ORDER</u></b>
	:	

Petitioner Antonio Browner, an inmate at Smith State Prison, filed a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254. In response to this Court’s prior Order (ECF No. 10), Petitioner submitted a letter indicating that he has not yet exhausted his state remedies and requesting that his habeas petition be dismissed. (ECF No. 12).<sup>1</sup> Under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, a petitioner may voluntarily dismiss his action “before the opposing party serves either an answer or a motion for summary judgment[.]” Respondent has not yet served an answer or a motion for summary judgment. In light of the foregoing, Petitioner's petition is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED**, this 8th day of September, 2015.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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<sup>1</sup> Petitioner also asks that the Court “not charge [his] account.” (ECF No. 12). This Court has not ordered Petitioner to pay any fees.